

**SUMMARY OF MINUTES
NATIONAL ORGANIC STANDARDS BOARD
The Radisson Barceló Hotel – Washington, DC
OCTOBER 22–24, 2003**

The National Organic Standards Board meeting of October 22–24, 2003, was attended by 15 members:

Members Present:

Owusu Bandele	Rosalie Koenig
Kim Burton	Michael Lacy
Dave Carter	Kevin O'Rell
Goldie Caughlan	Nancy Ostiguy
Ann Cooper	Andrea Caroe
Dennis Holbrook	Jim Riddle
Mark King	George Siemon
Rebecca Goldberg	

National Organic Program (NOP) Staff:

Barbara C. Robinson, AMS/Deputy Administrator; Richard Mathews, Program Manager; Katherine Benham, Arthur Neal, Keith Jones, Francine Torres, Darcie Priester and Bob Pooler

NOSB WORKING SESSION (Closed to the public): October 22, 2003 – 8:00 a.m.

See Discussion Document

Call to Order: October 22, 2003 – David C. Carter – 1:30 p.m.

Dave Carter welcomed everyone to the meeting and had each member introduce him/herself. Mr. Carter talked about the meeting format, and using the agenda, what the Board will focus on during this meeting. Specifically, the Board will develop a statement of what constitutes compatibility/consistency with a system of sustainable agriculture/organic production and handling relative to substance review and evaluation. The Board will also clarify and document its recommendations from the May 2003 meeting.

Mr. Carter announced that FDA representatives will give a presentation on FDA approval for livestock materials. He also stated that public comment will focus on the issue of compatibility, and finally on Friday the board will go through the May 2003 material recommendations that were made and will use the standardized template to rework the process.

Announcement: (See Discussion Document) (*Pg. 7*)

Jim Riddle announced that during a meeting a few weeks ago the National Association of State Departments of Agriculture (NASDA) adopted a policy statement in support of organic agriculture.

Approval of Agenda: (See Discussion Document)

Mr. Carter stated that the materials chair will provide a review of the materials process and that the board will bring forth the formal process for the adoption of the form for materials consideration. He also stated that this is an ongoing process that will be incorporated into the board's policy book. The agenda was unanimously approved.

NOP Update and Discussion – (Pg. 9)

Mr. Richard Mathews, NOP Program Manager reported on the following:

Rule Making Docket:

The rule making process was in final clearance, and he was very optimistic that they will be cleared for publication in the Federal Register by the first week in November. Once the documents are published and effective the day after publication, people will be able to start using those materials that occur in those two documents. The two documents address all of the crop materials, a few issues relating to livestock, some processing issues, and a number of technical corrections that were made. There is one material (TSSP) that will come back to the Board for reconsideration based upon public comment. TSSP cannot be used. Those materials included in the two final rules will be added to the list and can be used starting on the effective date of the respective final rule.

Livestock Materials Docket:

NOP is still working on issues on the livestock materials; the docket is not final yet, and will have to go through proposed rule. There will be a 30 day comment period on the proposed rule and those materials will go through the same process of our analyzing the comments. NOP will report to the Office of Management and Budget (OMB) what the commenters are saying about the materials and what can be done about it. NOP will provide OMB with justification for adding or not adding a material to the National List.

Materials Review Process:

The NOP is looking at the materials process as a system. Internally working on how NOP can do a better job. Also looking at the petition procedures to determine what can be done to improve the quality of petitions. Working with the vendor to clarify expectations. For the next few days the Board will be looking at ways to make their decision process more transparent. All of these steps will help us to do a more effective job communicating to the public what we do as the Board, the reviewers and the NOP.

Peer Review Panel Selection:

The Peer Review Panel is underway, and ANSI is responsible for the peer review. The expert has been selected (Ken Cummings) and the review process has begun. However, it will probably take another two to three months before anything is completed.

Paperwork Reduction Act:

Every two years NOP has to get OMB approval for the recordkeeping burdens that are placed on the public. The record keeping approval that is in place expires in January 2004. NOP published its intent to continue this process of gathering information and the public is welcome to comment on the record keeping burden.

Approval of the Minutes – (Pg. 14) – (See Discussion Document)

Jim Riddle moved that the Board approve the May meeting minutes; Dennis Holbrook seconded with no discussion. Minutes approved unanimously.

Approval of the Executive Committee Conference Call Minutes (See Discussion Document)

Jim Riddle pointed out that in the meeting book at Tab 3, the July minutes is not the final version; and that there was an amendment to reflect that Kim Dietz had left the call at a certain time after the materials committee report. Mr. Riddle wanted to make sure that the official record reflects the corrected version. Mr. Mathews stated that the updated version of the minutes was adopted and accepted by the Board and posted on the website. No action – just for informational purposes only.

PRESENTATIONS:

The text of these presentations can be found within the meeting transcripts. *(Pgs. 100–150)*

Drs. Steven Vaughn, FDA, Director of the Office of New Animal Drug Evaluation, Center for Veterinary Medicine; and Vito E. Vengriss, FDA, Office of Surveillance and Compliance provided an overview on Animal Drug Approval Process. The text of this presentation can be found within the meeting transcripts. **(See Discussion Document)**

Dr. Richard Forshee, Associate Director of Research for the Center for Food and Nutrition Policy, Virginia Tech provided a presentation on TAP Reviews and how to improve the process. He also talked about providing factual and scientific answers in an objective manner so that NOSB and NOP can make informed judgments on the petitions that are receive for inclusion on the National List. ***The text of this presentation can be found within the meeting transcripts.*** **(See Discussion Document)**

The NOSB received presentations from OMRI, Ms. Emily Brown–Rosen, Policy Director, Mr. Richard Theuer, Former Board member and serves on the OMRI Board of Directors, Mr. David Decou, Organic Farmer and Managing Director of OMRI: **(See Discussion Document)**

Mr. Decou talked about coming up with ways to have a thorough and transparent process, having objective standards that can be understood, how they should apply to both prohibit as well as added materials, and finally the TAP review process. ***The text of this presentation can be found within the meeting transcripts.***

Ms. Brown–Rosen provided an overview of enhancing the petition process overall, including the petition; the screening process; the statement of work and the guidance for contractors, and the TAP decision process. ***The text of this presentation can be found within the meeting transcripts.*** **(See Discussion Document)**

Mr. Theuer talked about obtaining quality TAP reviews and limited competence in the selection of TAP contractors stating that it may be worthwhile considering having them specialize in the different areas, because everybody is not equally good in crops, livestock and processing. ***The text of this presentation can be found within the meeting transcripts.***

Recessed at 5:30 p.m.

Reconvene: October 23, 2003 – 8:00 a.m.

PUBLIC COMMENTS

The following individuals presented public comments. Each person's comments were recorded and transcribed for the record; and some individuals also presented written comments. Transcribed comments, and where applicable written comments, can be found at **DESIGNATED ATTACHMENTS**.

REGISTRATION SHEET (Attachment A.)

SIGN-IN SHEET (Attachment B.)

Jim Pierce, Organic Valley, (Pg. 5 and Attach. 1)

Mac Devin, Fort Dodge Animal Health, (Pg. 10)

Tom Hutchinson, Organic Trade Association, (Pg. 12 and Attach. 2)

Mark Condon, American Seed Trade Association, (Pg. 13 and Attach. 3)

Liana Hoodes, National Campaign for Sustainable Agriculture, (Pg. 23 and Attach. 4)

Emily Brown Rosen, OMRI, (Pg. 25)

David De Cou, OMRI, (Pg. 31)

Hubert Karreman, Cowcare, (Pg. 33)

Urvashi Rangan, Consumer Policy Institute Consumers Union, (Pg. 42)

Dan Leitterman, Crystal Creek, Inc., (Pg. 47)

Brian Leahy, California Certified Organic Farmers, (Pg. 50)

Marty Mesh, Florida Organic Growers Qualify Certification Services, (Pg. 59)

Michael Sligh, Rural Advancement Foundation International, (Pg. 63)

Rachel Jamison, Washington State Department of Agriculture Organic Food Program, (Pg. 69)

David Engle, Midwest Organic Services Association, (Pg. 82 and Attach. 5)

Kelly Shea, Horizon Organic, (Hubert Karreman Proxy), (Pg. 86)

Robert Haddad, Farming Systems for the Humane Society, (Pg. 92)

Christopher Ely, Applegate Farms, (Pg. 95)

Lynn Cody, Ag Systems Consulting, (Pg. 107)

John Immaraju, AMVAC–International Product Development, (Pg. 121 and Attach. 6)

Recessed at 11:30 a.m.

Policy Development Committee – Mark King (*See Discussion Document*)

Mark King stated that the committee developed a 22–page draft statement that defined compatibility with the system of sustainable agriculture and consistency with organic handling. Jim Riddle who is the primary author of the draft statement provided an overview. Initially he put together a draft option one document with supporting language. Jim stated that the committee has since identified two distinct types of substances, those used in production, (and there's criteria for production materials) and handling materials. As option two, the committee recommended two separate statements; one to be used for evaluation of compatibility of production materials and the other, handling materials. The committee had a second call, and Keith Jones stated that what would be helpful to the program are measurable criteria or factors in order to understand what is compatible and consistent. This lead to the drafting of a third option.

Mr. Riddle talked about how the Policy Development Committee made some more revisions to the option three document and adopted that as the recommendation with a vote of 3 to 0 with 2 absent. He also stated that the working draft will be posted for public comment and would be adopted at the next meeting and will be used by NOP as any material is moved forward in the regulatory process.

For further discussion on the Board's deliberations in developing the compatibility guidance document, please see the meeting transcripts. (Pgs. 126 – 284)

Chair's Discussion (Pgs. 284 – 291)

Mr. Carter talked about the procedures that are in the Board's policy manual for election of officers who served a one year term, and explained that candidates may be self nominated or nominated by another member of the Board, and provided additional details regarding the election procedures. He also made a request to the Board to remove his name from nomination for reelection as Chair.

Mr. Carter talked about a meeting with Ken Clayton and A.J. Yates, and shared three things that he wanted to accomplish as Chair: (1) the importance of making the transition from the steering committee or organizing board to a board that is an operational board for a federal regulation; (2) he wanted to make sure that he provided an opportunity for all of the voices of the organic community to be heard at the table so that there was open and transparent discussion; and finally (3) to accomplish building a really collaborative, cooperative relationship with the Program.

Mr. Carter closed by stating that it's best for him to step aside and for someone to come and fill the Chair's position; to continue to work in developing the communication, and the relationship with the Program and make sure that the integrity of this Board is never compromised. He also thanked everyone for the opportunity to serve as Chair when the Rule was implemented one year ago, and praised the organic community for standing up to protect the integrity of the organic rule.

Nomination/Election Proceedings:

Ms. Dietz nominated Mark King as Chair; and Ms. Caughlan seconded. Mr. Lacy moved that the nomination be closed and Mr. Siemon seconded. *Mark King nominated as Chair*

Ms. Caughlan nominated Jim Riddle as Vice Chair, and Mr. Lacy seconded. Ms. Caughlan moved that the nomination be closed and Ms. Caroe seconded. *Jim Riddle nominated as vice Chair*

Mr. Siemon nominated Kim Dietz as Secretary, and Mr. Lacy seconded.

Ms. Caughlan moved that the nomination be closed and seconded. *Kim Dietz nominated as Secretary*

Other Business:

There was further discussion from the Board regarding the schedule for the following day and how each committee will work and handle the review of the May materials that the Board made recommendations on to NOP. Mr. Mathews also reiterated that the Board will break up into three groups dealing with crops, livestock and processing, and then come back as a full board, and work through the documents to create one master document.

Recessed at 5:30 p.m.

NOSB WORKING SESSION (Opened to the public): October 24, 2003 – 8:15 a.m.

See Discussion Document

Next Meeting:

April 28–30, 2004 – Chicago, Illinois